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Eleventh semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004)

I. Background

1. The present report is my eleventh semi-annual report on the implementation of Security Council resolution 1559 (2004). It provides a comprehensive assessment of progress in the implementation of the resolution since my last report, dated 21 October 2009 (S/2009/542). It highlights the remaining concerns that continue to impede efforts to strengthen Lebanon's sovereignty, territorial integrity and political independence as called for in the resolution.

2. On 9 November 2009, the President, Michel Sleiman, and the then Prime Minister-Designate, Saad Hariri, signed the decree forming a national unity government, five months after the parliamentary elections of 7 June. This process benefited from the Syrian-Saudi rapprochement. The new Government consists of 30 ministers, 15 from the parliamentary majority, 10 from the opposition and 5 from a share allocated to the President.

3. On 12 November, President Sleiman made a short visit to the Syrian Arab Republic and held a summit meeting with the President, Bashar al-Assad. This visit came on the heels of the formation of the Government in Lebanon. The two Presidents agreed to work together to continue promoting pan-Arab unity and to stabilize the situation in the region. They also agreed to further cooperation between their countries and to continue with the implementation of the decisions adopted at their last summit, in August 2008.

4. On 10 December, after three days of parliamentary debate, the Lebanese legislature formally endorsed the ministerial statement of Prime Minister Hariri's Government, 122 out of 128 Members of Parliament voting in favour. This quasi-unanimous approval of the new Government had been expected, given its character as a unity Cabinet. Following the vote of confidence, President Sleiman travelled to the United States and Prime Minister Hariri paid his first official visit to Saudi Arabia.

5. On 19 December, the Prime Minister made his first visit to Damascus where he met President Al-Assad for extensive talks. This was a historic visit on a number of levels; most notably it was the first visit of a Lebanese Prime Minister since the brief trip by Fuad Siniora in July 2005. Rhetoric on both sides emphasized the turning of a new page, and the summit marked an important milestone in the

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normalization of relations between the two countries. The reaction in Lebanon has been widely positive, and the visit injected positive momentum into Lebanon's political scene.

6. Over the past six months, political life in Lebanon has been generally stable, notably as a result of reconciliation efforts on the domestic and regional levels. Lately, however, there have been some public exchanges of criticism between Lebanese leaders. This has generated tension and worsened the political climate, in the wider context of an escalation of rhetoric at the regional level.

II. Implementation of resolution 1559 (2004)

7. I note with satisfaction that, since the adoption of Security Council resolution 1559 (2004) on 2 September 2004, several of its provisions have been implemented. Presidential and parliamentary elections were held in a free and fair manner. The Syrian Arab Republic withdrew its troops and military assets from Lebanon in April 2005. Lebanon and the Syrian Arab Republic established full diplomatic relations and have engaged in high-level talks on matters of relevance to Lebanon's sovereignty, political independence and territorial integrity, such as the delineation of their common border, which has not yet been done as strongly encouraged by the Security Council in its resolution 1680 (2006).

8. Despite these major strides towards the full implementation of the requirements of resolution 1559 (2004), the presence of Lebanese and non-Lebanese militias continues to pose a threat to the stability of the country and the region, and challenges the need for the Government of Lebanon and the Lebanese Armed Forces to exercise a monopoly on the use of force throughout Lebanon. Resolution 1559 (2004) thus remains to be implemented in full.

9. During the reporting period, I have remained in regular and close contact with all parties in Lebanon, as well as with relevant regional and international leaders. I held my first meeting with Prime Minister Hariri on 16 December. On those occasions, I expressed the full support of the United Nations for the sovereignty, independence and territorial integrity of Lebanon and the progress made in this regard. I also urged the full implementation of resolution 1559 (2004) and all other resolutions pertaining to Lebanon. I have carefully followed the dynamics in the region, and noted their impact on the political situation within Lebanon.

A. Sovereignty, territorial integrity, unity and political independence of Lebanon

10. The primary goal of resolution 1559 (2004) is to strengthen the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout the country, consistent with the Taif Agreement of 1989, to which all the political parties in Lebanon have committed themselves. This goal remains the highest priority on the agenda of the United Nations for Lebanon.

11. Following the meetings of the President of the Syrian Arab Republic and the Prime Minister of Lebanon in Damascus on 19 and 20 December, it appears that there exists a renewed consensus on the general need to delineate the Lebanese-

Syrian border, which was previously reflected in the outcome of the summit meeting of President Al-Assad and President Sleiman in August 2008.

12. While the negotiation and conclusion of such a border agreement are the exclusive prerogative of the two countries, a clear delineation of national boundaries, as strongly encouraged by the Council in resolution 1680 (2006), is a basic indicator and intrinsic element of the sovereignty, territorial integrity and political independence of any State, which is what resolution 1559 (2004) aims to achieve for Lebanon. The Government of Lebanon can extend its authority throughout the country only if it, and all other relevant parties, know what the entirety of the territory of Lebanon is. I therefore encourage both countries to make further progress on this issue and welcome their renewed intentions to delineate their common border as called for in resolution 1680 (2006).

13. Israel continues to occupy the northern part of Ghajar in violation of Lebanon's sovereignty and relevant Security Council resolutions. In addition, as indicated in my last report on the implementation of Security Council resolution 1701 (2006) (S/2010/105), diplomatic efforts in relation to the issue of the Shab'a Farms area have not yet yielded results.

14. The almost daily intrusions into Lebanese airspace by Israeli aircraft and unmanned aerial vehicles violate Lebanese sovereignty and resolutions 1559 (2004) and 1701 (2006). Israeli overflights inherently raise tensions and have the potential to provoke an incident which could rapidly escalate. The Government of Lebanon has repeatedly protested about the violations. I have raised this matter repeatedly with the Israeli authorities at the highest level, but they claim in turn that the overflights are carried out for security reasons, citing alleged breaches of the arms embargo enforced pursuant to resolution 1701 (2006). However, I deplore these violations and call upon Israel to adhere to its obligations and cease such overflights.

15. I take careful note of the fact that Lebanon is concerned about the operations of alleged Israeli espionage networks in the country. Security agencies have continued their investigations in this regard and there have been further arrests.

B. Extension of Government control over all Lebanese territory

16. The Government of Lebanon reiterated in particular in its ministerial declaration its intention to extend the Government's authority over all Lebanese territory, so that it is eventually the sole armed force in the country. In the declaration the Government also stated its exclusive right to decide over matters of peace and war. For this purpose, the Lebanese Armed Forces and Internal Security Forces have played a crucial role in strengthening Lebanon's sovereignty and control over the entire country, thereby promoting stability in Lebanon and beyond.

17. Preventing flows of weapons to armed groups is crucial for Lebanon's sovereignty and the security of all of Lebanon's citizens. Several Member States have continued to provide me with information that appears to corroborate the allegation of smuggling of weapons across the land borders. Government officials in Lebanon acknowledge the porous nature of the border and the possibility that arms smuggling occurs. I take those reports seriously but the United Nations does not have the means to independently verify them. I have raised the matter with several

regional leaders and requested their assistance in this regard. All States must abide by the arms embargo. This is a key factor for stability in Lebanon and the region.

18. The Lebanese authorities reaffirmed to me their commitment to improve the monitoring of land borders to prevent the unauthorized flow of weapons, munitions and personnel into the country. The actions taken by the Government through the Common Border Force that operates in the north of the country are encouraging, but these efforts need to be increased and become more systematic. Prime Minister Hariri recently committed his Government to developing a comprehensive border strategy for Lebanon, pursuant to the recommendations of the Lebanon Independent Border Assessment Team, and appointed Minister Jean Oghassapian to coordinate Government action to oversee this process. Effective management of Lebanon's borders stands to benefit from recent improvements in the bilateral relationship between Lebanon and the Syrian Arab Republic.

19. During the reporting period, and as recently as 8 April 2010, security sources in Lebanon reported several shootings and explosions inside paramilitary facilities in the eastern Beka'a Valley belonging to the Popular Front for the Liberation of Palestine — General Command and Fatah al-Intifadah. The location of such facilities near the border poses an added challenge for the control of the land border. The time has come for this dangerous anomaly to be seriously addressed, as called for in the Lebanese National Dialogue and the ministerial statement. Mindful of the regional ramifications of the issue, I call upon all relevant parties to assist in this process.

20. During the reporting period there have been a series of incidents in the UNIFIL area of operation that I reported on in detail in my last report on the implementation of resolution 1701 (2006) (S/2010/105). There have also been a number of shooting incidents and small explosions north of the Litani River. These occurrences underline the presence of weapons in the country outside the control of the Government.

C. Disbanding and disarmament of Lebanese and non-Lebanese militias

21. Lebanese and non-Lebanese militias continue to operate in the country outside of the Government's control in serious violation of resolution 1559 (2004). The armed component of Hizbullah remains the most significant Lebanese militia in the country. In addition, there are a number of Palestinian armed groups operating in the country inside and outside the refugee camps. Over the reporting period, there has been no tangible progress towards the disbanding and disarming of Lebanese and non-Lebanese militias as called for in the Taif Agreement and resolution 1559 (2004).

22. On 30 November 2009, as the newly formed Cabinet was finalizing its ministerial statement, the Secretary-General of Hizbullah introduced publicly the new political manifesto of the party adopted at its General Conference, which had concluded its work a few days earlier. In the new document, which replaces the founding manifesto of 1985, Hizbullah reiterates its support for the "resistance", which goes beyond the recovery of what the party considers to be Lebanese occupied territories, and which the party defines as the need to provide a defensive

capacity against Israeli threats. The party categorically rejects any compromise with Israel or recognizing its legitimacy.

23. On 26 February 2010, President Al-Assad hosted the President of the Islamic Republic of Iran, Mahmoud Ahmadinejad, and the Secretary-General of Hizbullah, Hassan Nasrallah, in Damascus. A few days later, the Secretary-General of Hizbullah described the meeting as a "summit", thanking the Syrian Arab Republic and the Islamic Republic of Iran for their support to the party, which was an example to other Arab nations.

24. Hizbullah's maintenance of a substantial arsenal outside Government control has continued to be a central issue in the public debate. It has generated animated discussions between political leaders in the country. The issue became the main bone of contention in the preparation of the ministerial statement of the Government of Lebanon and during the deliberations in Parliament for its approval.

25. Indeed, in article 6 of the ministerial statement endorsed on 10 December 2009, the Government affirms its "commitment to the implementation of resolution 1701 (2006) in all its aspects", and Lebanon's respect for all international resolutions, which by implication includes resolution 1559 (2004), in which the Security Council called for the implementation of the provisions of the Taif Agreement that require the disarmament of all armed groups in Lebanon. Yet article 6 goes on to "affirm the right of Lebanon, through its people, its military and its resistance, to liberate the Sheba'a Farms, the Kfar Shuba Hills and the Lebanese part of the occupied village of Ghajar and to defend Lebanon against any assault and safeguard its right to its water resources, by all legitimate and available means". During the parliamentary debates to endorse the ministerial statement, Members of Parliament from Hizbullah praised the role of the "resistance" and emphasized the continuing need for Hizbullah to maintain its weaponry in the light of what they considered the weakness of the Lebanese Armed Forces.

26. I continue to receive reports asserting that Hizbullah has substantially upgraded and expanded its arsenal and military capabilities, including sophisticated long-range weaponry. Hizbullah itself does not disavow such assertions and its leaders have repeatedly claimed in public that the organization possesses significant military capabilities, which they claim are for defensive purposes. The United Nations is not in a position to independently verify the reports it receives regarding Hizbullah's military capabilities, yet I take those reports very seriously.

27. The trial of 26 alleged Hizbullah members, two of them Lebanese, charged with planning attacks in Egypt continues and the verdict is expected to be announced in the coming weeks. The men are accused, inter alia, of plotting attacks against ships in the Suez Canal and tourist sites. The accused deny the charges.

28. I continue to believe that the disarmament of armed groups can best be achieved through a Lebanese-led political process. This political process has taken the form of the Lebanese National Dialogue. The President announced on 28 February the names of the participants in the next round of the National Dialogue, which has now grown from a total of 15 participants to 20. All major parties and religions are represented in this forum to discuss a national defence strategy for Lebanon. I am pleased to report that President Sleiman reconvened the National Dialogue on 9 March, for the first time since the parliamentary elections of 2009. Another session was held on 15 April.

29. In line with the Government's ministerial declaration, the participants in the National Dialogue reaffirmed the agreement reached in the National Dialogue of 2006 to eliminate Palestinian weapons outside the camps and deal with the issues related to security and arms inside the camps. The tense regional situation has overshadowed the debates and there was no substantive discussion of Hizbullah's arms, although it remains a major subject of debate among the participants. They further decided to continue discussions on a national defence strategy and to try, through the committee of experts appointed at a previous session of the Dialogue, to identify areas of commonality between the different opinions voiced on this matter. Finally, the participants committed themselves to promote reconciliation and to lower political rhetoric in the country. The next session is scheduled for 3 June.

30. The presence of Palestinian armed groups outside the camps continues to pose a threat to the stability of Lebanon and challenges Lebanese sovereignty. Regrettably, over the past six months, there has been no progress towards the disarming of such groups, in accordance with the agreement, reached at the National Dialogue sessions of 2006 and reaffirmed by the National Dialogue and in the ministerial statement, that Palestinian outposts outside the camps would be disarmed.

31. I note in this regard the statement by the leader of Fatah al-Intifada, Abu Musa, on 3 March that his organization's paramilitary bases could be relocated in coordination with the Lebanese authorities and that Palestinian weapons should be considered as part of the discussion on Lebanon's national defence strategy in the National Dialogue. This statement came two months after the leader of Fatah al-Intifada had publicly rejected any attempt to dismantle the Palestinian military bases in the Beka'a Valley and south of Beirut.

32. A bomb exploded on 26 December 2009 in a facility reportedly used by Hamas in the southern Beirut quarter of Haret Hreik. At least two men identified as Hamas members were killed in the incident. The circumstances of the explosion remain unclear but underline the risks posed by the presence of weapons outside Government control.

33. On 7 December, the President of the Palestinian Authority, Mahmoud Abbas, for the first time since the formation of the new Government visited Beirut, where he reiterated publicly his call on the Palestinians in Lebanon to respect the sovereignty of the State, its laws and security requirements. More recently, President Abbas asserted that the Government of Lebanon should be responsible for security on Lebanese soil and that Palestinian arms need not be maintained inside or outside the camps. I commend the position taken by President Abbas.

34. The situation inside the Palestinian refugee camps remains a source of concern, although it has been generally calm over the reporting period. On a few occasions, security incidents were reported, in particular on 15 February, when fighting between members of Fatah and a radical Islamist movement in Ain al-Hilweh resulted in one fatality. The refugee camps continue to provide a safe haven for those who seek to escape the State's authority, such as militants, extremists, criminals and arms smugglers, in addition to Palestinian armed factions across all party lines. Internal violence could potentially spill over into surrounding areas. While security coordination and cooperation between the Lebanese security agencies and the Palestinian factions have improved, Lebanese authorities do not maintain a permanent presence inside the camps, despite the fact that the Cairo

agreement of 1969, which regulated the presence of Palestinian armed forces in the refugee camps, was annulled by the Lebanese Parliament in 1987. More needs to be done to contain potential tension in the camps.

35. Given the detrimental effects of dismal living conditions in the camps on the wider security situation in Lebanon, there needs to be further progress towards improving the conditions in which Palestine refugees live in Lebanon, without prejudice to the eventual resolution of the Palestine refugee question in the context of a comprehensive peace agreement in the region. Prime Minister Hariri has affirmed to President Abbas and to the United Nations that his Government is committed to addressing the dire socio-economic situation of the Palestine refugee community as a matter of priority. I look forward to continued and accelerated work by the Lebanese-Palestinian Dialogue Committee in the coming period.

IV. Observations

36. The formal parliamentary endorsement of the Government of national unity in December 2009, six months after the parliamentary elections, is an important achievement. I commend Prime Minister Hariri for the patience and thoroughness with which he conducted negotiations leading to the appointment of the Cabinet. This creates an opportunity to move forward towards the strengthening of Lebanon's sovereignty, unity, territorial integrity and political independence, which stands at the heart of resolution 1559 (2004). It also paves the way to further revitalizing the political institutions of the State.

37. Indeed, I am glad that, over the past six months, the political leaders of the country have focused on building a stronger Lebanon and that the spirit of entente prevailed once again. Lebanon is currently witnessing its longest period of domestic stability and all Lebanese must continue to work together in a spirit of coexistence and democracy to safeguard the achievements they have made since 2004 towards strengthening the sovereignty and independence of their country and its institutions. I urge all political leaders to transcend sectarian and individual interests and promote the future and the interests of the nation in good faith.

38. Yet the situation remains fragile. There is an urgent need to take tangible measures to retain momentum and maintain Lebanon's progress towards full reaffirmation of its sovereignty, territorial integrity, unity and political independence, consistent with the Taif Agreement of 1989 and resolution 1559 (2004).

39. The existence of armed groups outside Government control is a fundamental anomaly that stands against the democratic aspirations of Lebanon and threatens domestic peace. It is also an obstacle to the prosperity and welfare that the Lebanese people deserve. Militias defying the control of the legitimate government are incompatible with the restoration and full respect of the sovereignty, territorial integrity, unity and political independence of the country.

40. The maintenance of Hizbullah's independent paramilitary capacity continues to be central to the political debate in Lebanon and the ongoing process of post-civil-war reconciliation, and poses a key challenge to the safety of Lebanese civilians and to the authority of the Government. I call upon the leaders of Hizbullah to complete the transformation of the group into a solely Lebanese political party.

consistent with the requirements of the Taif Agreement to which all Lebanese committed themselves.

41. I welcome the reconvening of the National Dialogue by President Michel Suleiman. This is the best forum to address the disarmament of armed groups in the country through an inclusive domestic political process. I urge all the participants to continue with this crucial work and to make tangible progress on the development of a national strategy. The development of such a strategy is a process with both political and technical dimensions, and it will be important to establish an institutional structure with clear timelines and benchmarks to achieve and measure progress. I look forward to meaningful progress in the discussions. The main goal of the Dialogue should clearly be to bring all arms in Lebanon under the sole control of the Government of Lebanon.

42. I urge the Government of Lebanon and the participants in the National Dialogue to finally implement decisions previously agreed upon and since reiterated in the Government's ministerial declaration, such as those concerning the disarmament of Palestinian groups outside the refugee camps and the issue of arms inside the camps. I remain deeply concerned at the maintenance of paramilitary infrastructures by Palestinian militias outside the camps which pose a threat to the stability of Lebanon.

43. Although regional dynamics will continue to reverberate strongly in Lebanon, it is the Lebanese who must, first and foremost, meet the country's challenges. For the purpose of achieving the goals set out in resolution 1559 (2004), on the path towards the greater objective of consolidating the Lebanese State, it is indispensable that all parties that have influence in Lebanon support a constructive political process.

44. The Lebanese Armed Forces remain a critical actor in addressing the above-mentioned challenges, in particular the effort to extend the central government's reach throughout the country. The Lebanese Armed Forces continue to show strong commitment and resolve which is to be welcomed and praised. I call on all Member States to extend their support to the Lebanese Armed Forces, and provide the necessary equipment, training and financial assistance to help the regular security services in Lebanon discharge their functions and strengthen the State's legitimate authority. This is vital in order to help Lebanon meet its obligations under Security Council resolutions, in particular resolution 1559 (2004).

45. Progress in Lebanese-Syrian relations was evident in Prime Minister Hariri's visit to Damascus. This is a positive trend for the sake of regional stability and prosperity. The delineation of the Lebanese-Syrian border is a bilateral matter that can eventually be settled only through an agreement between the two countries. I welcome the renewed intention of the two Governments to move forward on this issue, which will allow for enhanced border control.

46. I commend the pledge by Prime Minister Hariri to improve the living conditions of Palestine refugees in Lebanon, without prejudice to an overall resolution of the Palestine refugee question in the framework of a comprehensive peace agreement. I call upon the Prime Minister to establish expeditiously the legal and administrative frameworks required to enable Palestine refugees to have access to employment, enabling them to enjoy a dignified existence for as long as they remain in Lebanon. I am indeed convinced that addressing the difficult conditions of

Palestine refugees will have a positive impact on the coexistence of Lebanese and Palestinians and hence, on national security and stability. In this context, the reconstruction of Nahr al-Bared, which faces a financial shortfall of over US$ 200 million, remains an important priority. I call on Arab and Western donors to support generously the reconstruction of the camp and the regular programmes of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the Palestinians in Lebanon.

47. In sum, progress continues to be achieved in the implementation of resolution 1559 (2004). I wish to reiterate that the provision of resolution 1559 (2004) in which the Security Council called for the disbanding and disarmament of all Lebanese and non-Lebanese militias merely reflects and reaffirms a decision to which all Lebanese committed themselves in the Taif Agreement in 1989, in the aftermath of the civil war. This understanding led at the time to Lebanese militias — with the exception of Hizbullah — giving up their armed capacities. That Agreement must be preserved and implemented by all. The threat that armed groups and militias pose to the sovereignty and stability of the Lebanese State remains real, as the events of May 2008 demonstrated. It creates an atmosphere of intimidation incompatible with the conduct of the normal democratic process in a State. It also undermines the stability of the region.

48. There is growing alarm at the serious allegations of major arms transfers to Lebanon through its land borders. I am concerned that such activities have the potential to destabilize the country and could lead to another conflict. I appeal to all parties, inside and outside Lebanon, to immediately halt all efforts to acquire or transfer weapons and build paramilitary capacities outside the authority of the State.

49. I therefore call on all parties and actors to fully abide by resolutions 1559 (2004), 1680 (2006) and 1701 (2006). I will continue my efforts for the purpose of the full implementation of those and all other relevant Security Council resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon.